

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

DAVID CURTIS,

Plaintiff,

v.

EMBRACE HOME LOANS, INC., ET AL.,

Defendants.

C.A. NO. 1:18-cv-00057-JJM-PAS

**AFFIDAVIT OF AMBER TODD IN SUPPORT OF DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

I, Amber Todd, hereby declare and state as follows:

1. I am Vice President of Default Oversight for RoundPoint Mortgage Servicing Corporation ("RoundPoint"). RoundPoint is the loan servicer for the subject mortgage loan on behalf of Embrace Home Loans, Inc. ("Embrace"). I offer this Affidavit in support of the Defendants' Motion for Summary Judgment.

2. I am over the age of 18 and competent to testify as to the matters contained in this affidavit. I have access to the business records of RoundPoint, including the business records relating to the loan at issue in this litigation. I make this affidavit based upon my review of those records relating to the loan and from my own personal knowledge of how they are kept and maintained. The loan records are maintained by RoundPoint in the course of its regularly conducted business activities and are made at or near the time of the event, by or from information transmitted by a person with knowledge. It is the regular practice to keep such records in the ordinary course of a regularly conducted business activity. The loan records include Embrace's records, which have been integrated into RoundPoint's records.

3. I have reviewed RoundPoint's records with respect to mortgage loan number ending 3246 for the borrower and Plaintiff, David Curtis (the "Plaintiff").

4. Attached to the Defendants' Statement of Facts in Support of Defendants' Motion for Summary Judgment ("SOF") as *Exhibit A* is a true and accurate copy of the April 29, 2016 Note Plaintiff executed in promise to repay a \$284,009.00 loan from Embrace.

5. Attached to Defendants' SOF as *Exhibit B* is a true and accurate copy of the April 29, 2016 Mortgage Plaintiff executed to secure repayment of the \$284,009.00 loan from Embrace. The Mortgage established a lien on property located at 105 Quaker Drive, West Warwick, Rhode Island (the "Property")

6. As of June 1, 2017, Plaintiff failed to make a monthly payment due on the Note and Mortgage for May 1, 2017.

7. Attached to Defendants' SOF as *Exhibit D* is a true and accurate copy of a June 1, 2017 letter RoundPoint, on behalf of Embrace, sent Plaintiff at the Property's address.

8. Attached to Defendants' SOF as *Exhibit E* is a true and accurate copy of a May 4, 2017 letter RoundPoint, on behalf of Embrace, sent Plaintiff a letter at the Property address.

9. Attached to the Defendants' SOF as *Exhibit F* is a true and accurate copy of a May 10, 2017 letter RoundPoint, on behalf of Embrace, sent Plaintiff at the Property's address.

10. Attached to the Defendants' SOF as *Exhibit G* is a true and accurate copy of a June 5, 2017 letter RoundPoint, on behalf of Embrace, sent Plaintiff at the Property's address.

11. Attached to the Defendants' SOF as *Exhibit H* is a true and accurate copy of a June 9, 2017 letter RoundPoint, on behalf of Embrace, sent Plaintiff at the Property's address.

12. Attached to the Defendants' SOF as *Exhibit I* is a true and accurate copy of a July 5, 2017 letter RoundPoint, on behalf of Embrace, sent Plaintiff at the Property's address.

13. Attached to the Defendants' SOF as *Exhibit J* is a true and accurate copy of a July 10, 2017 letter RoundPoint, on behalf of Embrace, sent Plaintiff at the Property's address.

14. Attached to the Defendants' SOF as *Exhibit K* is a true and accurate copy of an August 1, 2017 letter Embrace sent Plaintiff a letter informing him that FHA requires mortgage servicers to attempt to schedule a face-to-face meeting with customers with past due accounts.

15. Attached to the Defendants' SOF as *Exhibit L* is a true and accurate copy of an August 3, 2017 correspondence RoundPoint, on behalf of Embrace, sent Plaintiff by electronic mail to Dcurtis99@gmail.com.

16. Attached to the Defendants' SOF as *Exhibit M* is a true and accurate copy of an August 16, 2017 e-mail Plaintiff sent to servicinghelp@servicinghome.com.

17. Attached to the Defendants' SOF as *Exhibit N* is a true and accurate copy of an August 16, 2017 automatic message acknowledging receipt of Plaintiff's August 16, 2017 e-mail.

18. Attached to Defendants' SOF as *Exhibit O* is a true and accurate copy of a report Defendants received from National Creditors Connection, Inc. regarding an August 23, 2017 face-to-face meeting.

19. Attached to Defendants' SOF as *Exhibit P* is a true and accurate copy of a Notice of Default and Intent to Accelerate.

20. Attached to Defendants' SOF as *Exhibit Q* is a true and accurate copy of the Notice of Mediation.

21. Attached to the Defendants' SOF as *Exhibit R* is a true and accurate copy of a September 1, 2017 e-mail RoundPoint, on behalf of Embrace, sent Plaintiff.

22. Attached to the Defendants' SOF as *Exhibit S* is a true and accurate copy of a September 14, 2017 e-mail message Plaintiff sent to housingcounselor@roundpointmortgage.com.

23. Attached to the Defendants' SOF as *Exhibit T* is a true and accurate an October 3, 2017 e-mail RoundPoint, on behalf of Embrace, sent to Plaintiff.

24. Attached to the Defendants' SOF as *Exhibit U* are true and accurate copies of a Requests for Information and a Notice of Error, dated November 10, 2017 that RoundPoint received from Plaintiff's attorney.

25. Attached to the Defendants' SOF as *Exhibit V* is a true and accurate copy of a November 17, 2017 letter Marinosci Law Group, P.C. wrote to Plaintiff scheduling foreclosure for January 9, 2018.

26. Attached to the Defendants' SOF as *Exhibit W* is a true and accurate copy of a December 5, 2017 Notice of Error Plaintiff, through his counsel, sent RoundPoint.

27. Attached to the Defendants' SOF as *Exhibit X* is a true and accurate copy of a Payoff Quote RoundPoint, on behalf of Embrace, sent to Plaintiff.

28. Attached to the Defendants' SOF as *Exhibit Y* is a true and accurate copy of a December 21, 2017 letter RoundPoint, on behalf of Embrace, sent Plaintiff in response to the November 10, 2017, December 5, 2017 and December 11, 2017 Request for Information and Notices of Error.

29. Attached to the Defendants' SOF as *Exhibit Z* is a true and accurate copy of December 22, 2017 letter Plaintiff, through his counsel, sent RoundPoint to request loss mitigation. (December 22, 2017 Letter, *Exhibit Z*.)

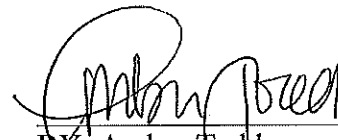
30. The December 22, 2017 letter was the first time Plaintiff submitted a loss mitigation application to RoundPoint.

31. Attached to the Defendants' SOF as *Exhibit AA* is a true and accurate copy of a January 8, 2018 letter Defendants wrote to Plaintiff on review of the loss mitigation application requesting additional documents and information to complete the application.

32. Plaintiff did not respond to Defendants' January 8, 2018 letter.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON NOVEMBER 12, 2019.

ROUNDPOINT MORTGAGE SERVICING CORPORATION



BY: Amber Todd

TITLE: Vice President of Default Oversight

CERTIFICATE OF SERVICE

I, Samuel C. Bodurtha, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on November __, 2019.

/s/ Samuel C. Bodurtha

Samuel C. Bodurtha